695 The traditional oath, "May the ruler die" (If I lie), is still in full use. This oath is called "semanya". As mentioned above, perjury was once a very serious offense, even a capital one, later was penalized by substitution of "blood money", i.e. 80 Thalers fine. Until recently, provincial farmers still invoked the name of the head of their old provincial dynasty in this oath, the "ras", or the name of the long-dead Menelik II. Since 1941, however, the name of the present emperor is [643] universally used, "Haile Selassie yemut". It is in a very real sense a form of acknowledgement of the supreme power of the ruler, whose supreme power over and above the feudal system is regarded, traditionally, as a protection from chaos, lawlessness and uprisings that destroy and cause suffering. The proverb says:

[539] "When the emperor dies,
with whom will there be judging?".

The oath "Haile Selassie yemut" is used also to arrest lawbreakers, much as English police might arrest "in the name of the king".

672 Another old legal tradition still in full force is that of the "wäs", the personal guarantor. To obtain a loan or a job, the applicant must always present at least one reputable guarantor, who is then personally responsible for making up any default or damage or misbehavior, and who can even be jailed in case the culprit escapes. He acts as personal bondsman for a defendant, to avoid his being held for trial in jail. This "wäs"

691 Typical cases most frequently heard are debts, small thefts, improper measures at the market, plowing across a neighbor's border ("wäsän gafi", i.e. border-pusher), grain eaten by a neighbor's cow, and the severity of mutual insults that had been exchanged during a hostile argument. Details argued about are often petty, such as: how good was the fence; just how much grain was eaten; how much was actually consumed?

[579] More serious is the loss incurred from the outlaw bandit, traditionally called "bär zägi", (lit. the one who shut the gate), or "dur gäbba" (the one who fled [685] to the bush). The most frequent case involves debtor and creditor. Until very recently, the creditor could chain the dbtor to him, and in rural areas one sometimes still sees their togas knotted together. This was uncomfortable for the creditor who had to feed the debtor. Even now that chaining is not permitted, a plaintiff still has to feed the defendent he has caused to be placed in jail (e.g. for theft) while awaiting trial. While he feeds him little and often spoiled food, he must keep him alive, and this acts as a deterrent against light accusation, except on the part of a wealthy "great man" accuser.

695 701 Special gestures, bodily motions, and drapings of the toga are still followed in the traditional way when going "bedanya fit", before the judge. The toga is draped ready for action, so that the accuser,or witness, can hold one corner at arm's length, step forward with heavy tread, and wave the bunched end of the em-

695 broidered edge of the Shamma toward the face of the
701 accused, or even toward the face of the judge; shouting, in the latter case: "May He (God) make you see clearly! (Egziabhēr yasaywo). While he waves his right hand forward, his right foot thunders forward also, maintaining his position by leaning on the staff with his left arm. Meanwhile, the adversary leans mutely on his staff, as if he were in church leaning quietly on his "maqomya", but indicated nonchalance and indifference toward the raving of the accuser. A method of the defendant to influence the judge with his sincerity, in the traditional way, is to throw his pre-arranged toga off his shoulders, baring them in the middle of arguing his defense, to indicate that he surrenders his shoulders to the flogging that the judge might order, in complete confidence that his innocence must be evident to the judge.

695 Until very recently, and in remote rural districts
661 even today, the wager, or bet on the outcome, was an essential factor in legislation. It took the place of court fees, for the loser forfeited his bet to the judge. This was the salary of the judge. Without this wager, it was not possible to go to court. The poor man was at a great disadvantage since he could not, even with help of his kinsmen, keep raising the bets to equal those of his wealthier adversary. To limit such judicial excesses, Emperor Menelik II decreed that wagers had to consist of tangible items such as honey, horse, mule, with a fixed cash equivalent (Eth$1.-, $10.-, $20.- in this order), and judges were urged to exercise fairness. Prohibition

●695 of the practice now often leads to more secret and subtle bribing of the judge. For the old wager was open to the public, and a great source of public recreation and entertainment, accompanied by great noise and flashes of wit.

The danya would gravely enter every wager in his register. While the case was in progress, bets could be raised by signalling from the audience (partly consisting of interested kinfolk) instead of shouting them out, which was not always preferred:

"I agree to be his guarantor" - point finger at accused and strike own breast;

"I bet honey against him" -point finger at adversary and lick palm;

"I bet a horse" - wave both extended hands as if galloping;

"I bet a mule" - hold hands near ear, moving up and down.

The judge had to take into consideration not only the winnings he would take, or the secret reward from the winner of the case, but also the shifting views of the audience. Thus the participating, arguing audience formed a sort of informal jury. Sometimes the danya might actually recess the court and call upon several elders from the audience to consult privately with him, or to help him assess the amount of damages to be awarded.

If dissatisfied with the outcome of the case, the loser might shout his protest "yegbañ" (lit. enter me, i.e. on another trial), usually taking it to a high-

695 261 er court, if he felt he had the means. In this case the judge might sometimes not appropriate the wager for fear of having to surrender it again later.

539 691 There are numerous proverbs characterizing roles in litigation, and counseling behavior and decisions to be made in certain situations:

"The young lawyer,
in the beginning he acclaims to heaven;
later on, he will look to the ground"
(Moral: always choose an old, experienced lawyer, with many reserve tricks up his sleeve).

"Don't seize the tail of the leopard;
but if you did, don't let go."
(Meaning: Don't go to court against a good talker, or "great man", or wealthy adversary; but once started, fight as hard as hard as you can, or else he will ruin you).

"Even if you know how,
against the judge do not debate".
"Judge, why your partiality?
the loser must pay you (anyway)".

"One witness need not make you tremble,
(just as) a one-eyed (person)cannot dance well."

[17] The pattern of the wager resembles, in part, that of the "khabdh" of Arab bedouin.[76]

76. Ibid.

E. Gestures and Postures.

201 Meaningful gestures accompany speech quite often among Amhara, occasionally substitute for speech, though not often. Amhara is too proud of ability for self-expression to forego speech in any but sharp dominance-subordination situations, in which case he may resort to non-verbal signs.

Gestures may take the form of signs, signals or symbols, and often emphasize status domination, e.g. noble versus commoner peasant; or patriarchal versus younger generation; or master toward servant.

To symbolize affect, the dominant person may lift part of his toga off his own body and cover the head and shoulders of the subordinate, e.g. a younger person, or a female. This gesture symbolizes protection, shielding, expressed as "gashey" (my shield). Affect can also be symbolized by the "gursha" (described earlier).

201 695 Formal antagonism appears most clearly in court "before the judge" ("dadanya fit"). When appearing on the stand, the speaking adversary folds his toga so that he has an ample piece of cloth available to wave in the face of the silent adversary, and, to emphasize his protest and revolt against injustice, even in the face of the judge until restrained. He may raise his "mager" to emphasize the justice of his case and his certainty as to the outcome; using the following signals:

"I bet honey" - by licking his palm,

"I bet a horse" - extending arms and waving hands to imitate gallop,

"I bet a mule" - by raising hands to ears, indicating long ears of a mule, and moving them up and down.

The judge carefully notes the wagers in his book, since he will receive the wager of the loser, and, except for a "tax" to the governor, can keep most of it, in the old tradition.

4: Alvarez M-5 (1520-1526) 1881
MP5 Amhara MP5

they take what they have, and they do not choose to provide more than what they require and is necessary for them. 554

In no part that he went about in were there butchers' shops, except at the Court, and no person of the common people may kill a cow (even though it is his own) without leave from the lord of the country. 253

The people speak the truth little, even when they make oath, unless they swear by the head of the King. They much fear excommunication, and if they are ordered to do something, and that it be to their prejudice, they do it from fear of excommunication. 695 [688]

The oath is administered in this manner. They go to the door of the church with two priests, and they have there incense and embers, and he who has to swear puts his hands upon the church door, and one the priests tells him of the oath to speak the truth, and that if he speaks falsely, that as the lion swallows his prey in the woods, so may his soul be swallowed by the devil; and as the wheat is broken between the stones, so may his bones be ground by the devils; and he who swears, at each thing answers Amen; and as the fire burns wood, so may your soul be burned in the fire of hell and made dust. He says Amen. And this if you do not speak truth; he says Amen. And if you speak truth, may your life be prolonged with honour, and your soul in paradise with the blest. He says Amen. And this ended, he gives his testimony.

He says that the movable feasts, Easter, Ascension, Pentecost, are celebrated on the same days and seasons that we celebrate them. The birth of Christ, Circumcision, Epiphany, and other feasts of saints also agree with us, and others not. The year and months begin on the 29th day of August, on which was the beheading of St. John, and the year is of twelve months, and the month of thirty days. When the year is ended, there are five days over, which they call pagomen, which means fulfilment of the year, and in the bissextile year there are six days over; so they keep with us. 796 805

11:Levine Z-4,5 (1958-1961)1965 MP5 Amhara MP5

at social gatherings in the course of discussions about nearly any subject. One cannot but conclude that the Amhara litigate to a large extent because for them it is an intrinsically pleasurable activity. At times, in fact, the forms of litigation are acted out as in a game. *Teṭäyaq*, for example, analogous to the Western process of cross-examination and a beloved feature of traditional court procedure, is sometimes practiced at parties though it has been outlawed in modern courts.[19] Two men will face a "judge" and try to bedevil each other with sly questions and preposterous claims. The content of the dispute is of no matter; it may be sheer nonsense.

Amhara litigants are ingenious at expressing themselves. They do so with gestures, intonation, and timing that achieve considerable dramatic effect. They are delighted to perform at the slightest provocation. The following incident, recorded during a morning at court in Manz, illustrates that dimension of Amhara litigation which consists of the inherently gratifying expression of oral aggression:

> The defendant had been accused of plowing the plaintiff's land without permission. In fact, however, the plaintiff had given the defendant previous permission to plow there—in front of a group of elders who testified accordingly. The judge therefore ruled against the plaintiff. The plaintiff said he would appeal this decision, because the permission he granted had not been registered in the governor's office and, besides, he had some other complaint to bring against the defendant.
>
> At this point someone in the audience rose and said: "That is all. The judge has ruled against you, and the case is finished." Whereupon the plaintiff told this speaker that he should keep quiet, that his speaking out was against the law, that he had bothered him when the case was tried before a lower level judge previously and should bother him no more. Instead of hushing up, the speaker left his position against the wall and stood next to the defendant, asserting that he would speak in behalf of the latter.
>
> The plaintiff then accused this man of talking out of turn. The judge acknowledged this accusation and called for witnesses. Instantly half a dozen or more men jumped to their feet, eyes bursting with excitement and pride as before a battle, and volunteered to witness against the speaker. One by one, with a great show of oratory, they said their pieces against the man who had spoken out of turn. More than once the judge had to urge these witnesses to stop talking after the evidence had been presented. By this time the substance of the original dispute seemed to have been completely forgotten.

Oral Ambivalence

Much as the oral zone is favored by the Amhara as a center for positive gratifications, both of the passive-receptive and the active-aggressive sort, such

11:Levine Z-4,5 (1958-1961)1965 MP5 Amhara MP5

structured. But the marching and fighting unit seems to have been, for all practical purposes, the individual soldier and his retainers. Battles were not fought in a disciplined manner; the outcome depended on the sheer numbers of troops, their state of morale, and the chance of catching the enemy off guard. Except for the large-scale deployment of troops in accord with the customary tactic of envelopment, there was little expectation of subordinating the impulses of individual soldiers to the needs of a "team"; for the prevailing military ethic stressed rather the heroism of the individual soldier and his drive to bring back a maximum of booty and trophies.[35]

The independent status of the common soldier in mass levies was based on the fact that he was primarily a peasant and thus expected to return to his fields as soon as a particular campaign was over. Nor were members of the more permanent armies of lords greatly constrained. Loyalty to one's lord was in many cases a lasting tie, and accounts for much of the stability that existed in such arrangements. But in general it appears to have been a factor of far less moment than was the case, for example, in feudal Japan. The Amhara soldier felt he was fighting for a lord by his own free will and, therefore, had every right to leave him when conditions justified a move. One such condition was when the lord did not reward his followers liberally enough. Another related condition was when the lord had a tendency to suffer defeat in battle. Indeed, it was not uncommon for soldiers to swarm from one side to the other during a battle when defeat for their side seemed imminent. Still another basis for deserting one's chief was the ambition of a vassal to acquire greater power, in which case he might rebel—become a *shïftä*, in the original sense of the word—and build up a military force of his own in the hope either of impressing his erstwhile master sufficiently to be reinstated with greater honors, or of taking his place by vanquishing him in combat, or simply of carrying on as a free agent.

The civilian counterpart of the soldier's right of desertion or rebellion was the right of judicial appeal which belonged to every free Amhara. This pertained primarily to the area of property rights. A man who suffered some grievous injustice in a local court had the right of appeal, in theory at least and often in practice, to higher courts at the provincial and imperial level. There was, in addition, some possibility of relief from an inordinately oppressive governor. He might be removed accidentally by the emperor, in the continuous process of *shum-shïr;* the people under his jurisdiction might secure his deposition through appeals to the emperor or his overlord; or they might take arms behind one of his rebellious subordinates and overthrow him by force. Traditional Amhara society thus provided significant areas of social freedom for its citizens despite the feudal obligations that lay heavy upon them.